

PATENT  
Docket No. 220022001720

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Harold S. BERNSTEIN and Shaun R.  
COUGHLIN

Examiner: David Lamberston

Group Art Unit: 1636

Serial No.: 09/757,049

Filing Date: January 8, 2001

For: METHODS AND COMPOSITIONS FOR  
REGULATING CELL CYCLE  
PROGRESSION

**Declaration of Harold S. Bernstein Pursuant to 37 C.F.R § 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Harold S. Bernstein, M.D., Ph.D., declare as follows:

1. I am an inventor named in the above-referenced patent application.
2. I am an Assistant Professor of Pediatrics at the University of California at San Francisco.
3. I have reviewed the Lei et al. article (Journal of Cell Science (2000) 113: 4523-4531) cited by the Examiner, and on which I am the senior author.
4. Xiang-He Lei, Xun Shen and Xiao-Qin Xu are listed as co-authors on the Lei et al. article.
5. Xiang-He Lei, Xun Shen and Xiao-Qin Xu were technicians in my laboratory and the work they performed relating to hCdc5 nucleic acid binding sites was done under my supervision and at my direction. They did not make any independent contributions to the work.

I:\My Documents\Bernstein 1.132 Declaration (Final).doc

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6. I chose the protocols and the criteria to be followed for developing, selecting and characterizing the hCdc5 nucleic acid binding sites and uses thereof. I instructed Xiang-He Lei, Xun Shen and Xiao-Qin Xu to follow these protocols and criteria, and they reported the results of the experiments to me.

7. The nature of the work performed by each of the co-authors is summarized in the paragraphs below.

8. Xiang-He Lei performed the DNA binding assays for the hCdc5 protein under my direction and supervision.


9. Xun Shen performed the cell culture work for the yeast cells used in the binding site selection assays for the hCdc5 protein under my direction and supervision.

10. Xiao-Qin Xu performed the cell culture work for the HeLa cells used in the hCdc5 transcriptional reporter assays under my direction and supervision.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

6/30/03

Date



Harold S. Bernstein M.D., Ph.D.